

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD)(SN)
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9 JULY 22, 2021
10 THIS TRANSCRIPT CONTAINS
11 CONFIDENTIAL MATERIAL
12 - - -

13 Remote Videotaped
14 Deposition, taken via Zoom, of JONATHAN
15 MARKS, commencing at 9:00 a.m., on the
16 above date, before Amanda
17 Maslynsky-Miller, Certified Realtime
18 Reporter and Notary Public in and for the
19 Commonwealth of Pennsylvania.
20

21 - - -

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1 out later and move on.

2 MR. GOETZ: We can. And if
3 it turns out he's not bound by it,
4 but I would rather err for the
5 sake of the side of caution.

6 BY MR. CARTER:

7 Q. Mr. Marks, have you ever
8 been involved as an expert in any
9 litigation involving terrorism issues?

10 A. Not litigation, no.

11 Q. Have you ever been involved,
12 in any professional capacity, in any
13 terrorism-related matters?

14 A. Can you -- can you describe
15 "terrorism" for me, please?

16 Not that I'm trying to --
17 I'm not trying to be difficult, I just
18 want to be specific. Are you talking
19 about terrorism financing or are you
20 talking about terrorism?

21 Q. Well, I'm using the term
22 "terrorism" to encompass a broader
23 portfolio of issues that would include
24 terrorism financing.

1 A. Well, if you're talking
2 about terrorism financing, the answer to
3 that would be yes.

4 If you're talking about a
5 terrorism expert, I'm not a terrorism
6 expert.

7 Q. And with regard to terrorism
8 financing, what is your experience?

9 A. My experience is through
10 anti-money laundering-type fraud
11 investigations of -- that were done on a
12 global basis.

13 Q. Did any of those involve
14 investigations of possible involvement of
15 a party in financing terrorism?

16 A. That was one of the
17 allegations, yes.

18 Q. And who was the party
19 accused of that conduct in that case?

20 A. That's confidential.

21 Q. Well, what was the nature of
22 your work with regard to the terrorism
23 financing issue that was raised in that
24 matter?

1 A. The nature of my work was to
2 analyze financial information and other
3 information, looking at various flows of
4 funds and other communications to
5 determine whether there was money
6 laundering and if the money laundering
7 led to some type of illegal acts, such as
8 terrorist financing.

9 Q. Was there a specific
10 allegation that terrorist financing
11 activities had occurred, or was it just
12 within the broader set of potential
13 illegal acts you were asked to vet?

14 A. Broader set of potential
15 illegal acts.

16 Q. So the work that you're
17 describing there involved a forensic
18 investigation to determine if there had
19 been money laundering for any potential
20 crime, correct?

21 A. That's right.

22 Q. And it was not focused
23 specifically on money laundering for
24 purposes of delivering resources to a

1 terrorist organization; is that correct?

2 A. Repeat that one more time,
3 please. I'm sorry.

4 Q. It was not focused
5 specifically on money laundering for
6 purposes of delivering resources to a
7 terrorist organization?

8 A. We didn't know. There were
9 allegations. So I don't -- I don't know
10 that your question -- I can answer your
11 question.

12 Q. Well, you keep saying that
13 there are allegations.

14 Were there allegations that
15 resources were delivered to a particular
16 terrorist organization or party?

17 A. No.

18 Q. So there was no terrorist
19 party identified as a potential recipient
20 of funds or resources at any point in
21 that investigation?

22 A. That's correct.

23 Q. And so there weren't
24 actually allegations of terrorism

1 financing, were there?

2 A. There were allegations of
3 illegal activity which might have
4 included terrorist financing.

5 Q. Well, was there any reason
6 to believe that the illegal activity
7 actually involved terrorism financing,
8 given that there were no terrorist party
9 identified?

10 MR. GOETZ: Objection.

11 Form.

12 THE WITNESS: Repeat the
13 question for me, please.

14 BY MR. CARTER:

15 Q. Was there any reason to
16 believe that the illegal activity you
17 were investigating actually involved
18 terrorism financing, given that there
19 were no terrorist parties identified?

20 A. It's hard to tell until we
21 did the investigation.

22 Q. Well, was the party you
23 investigated ever accused by any
24 government authority of involvement in

1 terrorist financing?

2 A. Not that I'm aware of, no.

3 Q. And did your investigation
4 indicate any involvement, on the part of
5 that party, in any terrorist financing?

6 A. I'm not sure I understand
7 what you're asking. I'm not trying to be
8 difficult.

9 Q. Well, did your investigation
10 reveal possible involvement in terrorist
11 financing?

12 A. No.

13 Q. So the terrorist financing
14 issue in that case was an entirely
15 theoretical possibility relating to
16 criminal activity you were investigating,
17 correct?

18 MR. GOETZ: Objection to
19 form.

20 THE WITNESS: I'm sorry, Mr.
21 Carter, can you repeat the
22 question?

23 BY MR. CARTER:

24 Q. The terrorist financing link

1 in that case was an entirely theoretical
2 possibility, correct?

3 MR. GOETZ: Same objection.

4 THE WITNESS: Like all
5 investigations, Mr. Carter,
6 there's a lot of theory involved
7 and speculation.

8 BY MR. CARTER:

9 Q. Well, I'm just trying to
10 assess whether or not you've ever
11 actually been involved, in a professional
12 capacity, in any investigation that
13 actually involved terrorist financing.

14 Have you been?

15 A. I have never been involved
16 in an investigation that has led to
17 anything related to terrorist financing,
18 no, that's correct.

19 Q. And have you ever worked on
20 any matter involving the possible funding
21 of al-Qaeda in particular, before this
22 litigation?

23 A. Not to my knowledge.

24 Q. And have you ever worked in

1 any counterterrorism capacity for any
2 government?

3 A. No.

4 Q. And do you have any
5 expertise pertaining to the history of
6 al-Qaeda?

7 A. I wouldn't say I'm an
8 expert.

9 Q. And do you have any
10 expertise on any other designated
11 terrorist organizations?

12 A. I wouldn't say I'm an
13 expert, no.

14 Q. And do you have any
15 professional background, prior to this
16 case, studying the funding of al-Qaeda?

17 A. No.

18 Q. Have you ever worked on any
19 matter relating to activities conducted
20 in the Middle East?

21 A. Yes.

22 Q. And what countries were
23 implicated by that work?

24 A. Saudi Arabia is one of them.

1 But I reviewed -- would you
2 like a list of them?

3 Q. Yes. Describe to me the
4 documents that you reviewed as best as
5 you can remember.

6 A. Sure. I reviewed the
7 financial audits and -- other financial
8 information, I believe, from the audits
9 from Saudi -- Saudi Arabia, Pakistan,
10 Australia, Indonesia, Sri Lanka, Somalia,
11 UK and Bangladesh.

12 I reviewed some of the
13 supporting documentation that went along
14 with those documents.

15 I would say that was the
16 majority of all of them.

17 Q. And the documents you just
18 described as audits, are those the same
19 documents you reference as audits
20 beginning on Page 14 of your report and
21 running through Page 16?

22 A. Hold on one second.

23 I apologize, but I believe
24 that I mention them on Page 7. That's

1 what I just wanted to make sure of. And
2 then they are described later in my
3 report, yes.

4 Q. And just to be more
5 specific, between Pages 14 and 16, you
6 identify a number of particular audits --

7 A. Correct.

8 Q. -- and the offices
9 referenced seemed to be the same offices
10 you just indicated were involved in your
11 review for the deposition; is that
12 correct?

13 A. I think some of them are
14 mentioned, yes.

15 Q. Did you review audits other
16 than those referenced on Pages 14 through
17 16?

18 A. No, not to my recollection.

19 MR. CARTER: If we can just
20 mark as the next exhibit a copy of
21 Mr. Marks' report.

22 - - -

23 (Whereupon, Exhibit
24 Marks-961, No Bates, Expert Report

1 A. It does.

2 Q. And were there other
3 individuals at Baker Tilly involved in
4 this project?

5 A. Yes.

6 Q. Do you recall approximately
7 how many other people were involved in
8 this project?

9 A. I believe there was about 12
10 people on our team, yes.

11 MR. CARTER: And if we could
12 mark collectively the invoices
13 that were produced that are
14 located at Tab 5 as the next
15 exhibit.

16 - - -

17 (Whereupon, Exhibit
18 Marks-962, No Bates, Baker Tilly
19 Invoices, was marked for
20 identification.)

21 - - -

22 BY MR. CARTER:

23 Q. And, Mr. Marks, if you can,
24 can you just review those and let me know

1 And there are a lot of
2 people that reviewed a lot of different
3 documents. And the way the process
4 works, under my direct supervision, is,
5 you know, I lay out the methodology and,
6 you know, as we go through and -- as we
7 go through the matter, I'm involved in --
8 every step of the way. And my team
9 reviews information and then brings it to
10 me, you know, I ask questions and they go
11 back and bring me more information.

12 But that's generally the way
13 it works. So we work as a team.

14 Q. So this is a list of
15 documents reviewed by your team, not by
16 you personally?

17 A. I reviewed -- yes, that's
18 correct.

19 Q. And so you relied on other
20 members of your team to review and
21 analyze the documents on this list,
22 correct?

23 A. Yes.

24 Q. And the total time reflected

1 in the invoices for you reviewing
2 documents was 14 hours, correct?

3 MR. GOETZ: Objection.

4 Form.

5 THE WITNESS: We went
6 through this. Yes, that's what it
7 says on the time sheets. Yes.

8 BY MR. CARTER:

9 Q. Do you know how many
10 documents you personally actually
11 reviewed --

12 A. I don't.

13 Q. -- prior to the issuance of
14 your report?

15 A. I don't.

16 Q. Well, did you review tens of
17 thousands of documents or fewer?

18 A. We reviewed -- we reviewed a
19 lot of documents. I don't know the exact
20 amount.

21 Q. I'm not asking whether we,
22 "we" meaning Baker Tilly, reviewed.

23 I'm asking whether you
24 reviewed tens of thousands of documents?

1 A. I wouldn't say I reviewed
2 tens of thousands of documents, no. Like
3 I said, that's not the process that we
4 went through -- go ahead.

5 Q. So you review -- you relied
6 on other people to review documents and
7 they provided their analysis to you; is
8 that correct?

9 A. Yes.

10 Q. And how did they provide
11 that analysis to you?

12 A. We would have regular and
13 ongoing discussions.

14 Q. And did they provide any
15 summaries to you relating to their
16 review, analysis or findings?

17 A. I'm sure they summarized it
18 to me, otherwise -- yes. Absolutely,
19 yes. They summarized information for me.

20 Q. And so you relied on those
21 summaries for purposes of developing your
22 opinions and writing your report,
23 correct?

24 A. I relied on those summaries

1 to evaluate whether I believed that those
2 were complete and accurate. And if I
3 thought that we needed more information,
4 I would -- I asked my staff to go back
5 and get me more details.

6 So placing reliance on them,
7 it all depended on many different
8 factors.

9 Q. Well, you considered them in
10 the context of developing your opinions
11 and report in the case, correct?

12 A. Yes.

13 Q. And do you list any of those
14 summaries or any analyses provided by
15 your staff in the documents considered
16 section of your report?

17 MR. GOETZ: Objection.

18 Form.

19 THE WITNESS: I don't have
20 any written summaries. So the
21 answer to that is no.

22 BY MR. CARTER:

23 Q. Well, they didn't provide
24 you any information in writing relating

1 to their review of the documents?

2 A. No. It was all done through
3 meetings and discussions.

4 Q. And you were able to assess
5 the competence and quality of the review,
6 by a dozen employees, of tens of
7 thousands of documents based on verbal
8 communications at meetings?

9 A. Yes.

10 Q. And you didn't feel the need
11 to have anyone put any of their analysis
12 down in writing so you could study it and
13 make sure you thought it was accurate?

14 A. I'm just telling you how it
15 worked. We had conversations about the
16 documents. If I thought that they
17 were -- if I thought -- if I understood
18 what it was that they were trying to say,
19 that was fine.

20 If not, if I needed more
21 information or required more information,
22 or there was something that I wanted to
23 be looked into further, then that's what
24 we did.

1 But I do not have anything
2 written in the form of any analysis, no.

3 Q. And individuals on your
4 staff also billed time for participating
5 in the drafting of the report, correct?

6 A. They helped, yes, when I had
7 questions. And that's why it says
8 drafting of the report.

9 I drafted the report.

10 Q. Well, there are significant
11 time entries, Mr. Marks, for other
12 individuals described as related to the
13 drafting of the report. They are not
14 incidental entries.

15 Can you explain that?

16 MR. GOETZ: Objection.

17 Form.

18 THE WITNESS: I can explain
19 the process, sure.

20 Would you like me to explain
21 the process?

22 BY MR. CARTER:

23 Q. Well, no.

24 I'd like you to explain why,

1 Q. So did you request any
2 additional information from WAMY that you
3 thought was relevant to your analysis but
4 had not been provided?

5 A. No.

6 Q. Now, in your report, you
7 reserved your right to supplement and
8 prepare charts.

9 Have you done anything of
10 that nature?

11 A. I haven't supplemented
12 anything to my report as of today.

13 Q. And just going back and
14 turning to your report, briefly.

15 On Page 6 --

16 A. Yes.

17 Q. -- at the top, it says,
18 Based upon my review and analysis of the
19 tens of thousands of primary source
20 documents and other information produced
21 in connection with this matter, I have
22 not uncovered evidence to support a
23 finding of financial mismanagement or
24 misconduct indicative of terrorist

1 financing activities on behalf of WAMY.

2 Do you see that?

3 A. I do.

4 Q. Do you agree with me, based
5 on your testimony earlier, that you did
6 not review tens of thousands of primary
7 source documents?

8 A. Well --

9 MR. GOETZ: Objection to
10 form.

11 THE WITNESS: -- I think I
12 already -- I explained that "my"
13 means me and my team.

14 BY MR. CARTER:

15 Q. Well, Mr. Marks, in
16 fairness, at the beginning of your
17 report, on Page 1, you specifically
18 indicate that the terms "I" and "my"
19 refer to you and that "we" and "us" refer
20 to Baker Tilly.

21 Do you see that?

22 A. Yep. I do see that.

23 I apologize. So it probably
24 should read, Based on our review and

1 analysis.

2 Q. And there are various places
3 in your report where you use the
4 convention "I did something" and other
5 places where you say "we did something."

6 Am I correct in
7 understanding that where you use the term
8 "I," you intend to denote work that you
9 personally did and where you use the term
10 "we," you're describing work that was
11 done by your team?

12 MR. GOETZ: Objection.
13 Form.

14 THE WITNESS: I don't know
15 that to be fact, no.

16 BY MR. CARTER:

17 Q. Well, at times in your
18 report, you refer to "our review."

19 That would refer to the
20 review of your team and not you
21 personally, right?

22 A. Yes. I would have to go
23 back and re-look, but, yes.

24 Q. And then -- apologies.

1 others under your supervision.

2 Do you see that?

3 A. I do.

4 Q. And those two statements
5 together, do they describe your
6 methodology for developing your opinions
7 and preparing your report in this matter?

8 A. I don't think they describe
9 my methodology. I think they outline my
10 qualifications and the documents that I
11 considered, not the complete methodology
12 for formulating my opinions and
13 conclusions.

14 Q. So your report does not
15 describe in full your methodology for
16 developing your opinions and conclusions?

17 A. There's not a methodology
18 section in here, no. That's correct.

19 Q. Just turning to the content
20 of your report and some general issues.

21 Do you agree that auditors
22 and forensic accountants should use terms
23 of art carefully and only where
24 appropriate?

1 Q. And am I correct that your
2 role and that of your firm did not
3 involve the performance of a forensic
4 audit of WAMY and its branch offices for
5 the years in question?

6 A. We did not.

7 Q. And your report is not
8 itself an audit, correct?

9 A. It is not.

10 Q. And you and your staff were
11 not tasked to conduct due diligence on
12 the audit work done by others reflected
13 in the documents you were provided, were
14 you?

15 A. When you say "due
16 diligence," can you just describe what
17 you mean by that?

18 Q. Well, you describe in your
19 report a number of audits you reviewed.

20 You didn't engage in an
21 effort to see if those auditors did
22 everything that you would have done under
23 the circumstances, did you?

24 A. I was not engaged to do

1 that, no.

2 Q. Did your firm engage in any
3 effort to cross-reference invoices or
4 vouchers or similar supporting documents
5 against the payments reflected in the
6 documents you described as audits?

7 A. We analyzed them, yes.

8 Q. Did you engage in an effort
9 to, in fact, reconstruct the
10 distributions and expenses and payments
11 reflected in the audits?

12 MR. GOETZ: Objection to
13 form.

14 THE WITNESS: No.

15 BY MR. CARTER:

16 Q. And were you asked to
17 perform a comprehensive review to
18 identify any and all potential red flags
19 relating to WAMY and any of its branch
20 offices during the period in question?

21 MR. GOETZ: Objection.
22 Form.

23 THE WITNESS: Can you just
24 repeat the question? I apologize.

1 BY MR. CARTER:

2 Q. Yes.

3 Were you asked to perform a
4 comprehensive review to identify any and
5 all red flags relating to WAMY and its
6 branch offices during the period in
7 question?

8 A. We were asked to perform a
9 review.

10 Q. And as part of that review,
11 were you asked to identify any things
12 that you saw as potential red flags?

13 A. We were.

14 Q. And did you develop a
15 comprehensive list of things that you saw
16 as red flags?

17 A. That list would be small.

18 Q. Okay. But did you develop
19 one?

20 A. Not a formal list, no.

21 Q. On that same page of your
22 report, you say that the opposing experts
23 are not auditors, accountants, financial
24 experts, certified fraud examiners or

1 financial regulatory matters, didn't you?

2 A. No. That's not what it
3 says, I don't believe.

4 Q. So you don't know whether
5 this was an initiative that was intended
6 to centralize financial controls?

7 A. I don't.

8 Q. And to the extent this was
9 implemented and they began storing key
10 financial records in digital form, those
11 would not have been destroyed in a flood
12 in a warehouse in Jeddah, would they?

13 MR. GOETZ: Object to form.

14 THE WITNESS: Can you repeat
15 the question, please?

16 BY MR. CARTER:

17 Q. To the extent that WAMY had,
18 in fact, undertaken a program to
19 centralize and digitize key financial
20 records, those would not have been
21 destroyed in the flood described in the
22 Noorwali declaration, would they?

23 MR. GOETZ: Objection.

24 Form.

1 THE WITNESS: I don't know.

2 I wasn't there.

3 BY MR. CARTER:

4 Q. Between the date of this
5 document in 1997 and January of 2000, are
6 you aware, based on your review, of any
7 other documents reflecting implementation
8 of new financial or fraud controls?

9 A. Am I aware of any other
10 documents?

11 Q. Yes.

12 Did you find any other
13 documents, between the date of this
14 document in 1997 and a document you later
15 referred to on January 1st of 2000, in
16 all of the materials WAMY provided, that
17 reflected implementation of any new
18 financial or auditing controls during
19 that three-year period?

20 A. I don't think new controls
21 need to repose in a document, sir.

22 Q. Well, did you see any
23 evidence of new controls being
24 implemented as part of what you describe

1 in your report as a process initiated in
2 1997?

3 A. I see evidence of controls.
4 I see evidence of continued controls. I
5 see evidence of transparency. I see
6 evidence of project-based financing,
7 which is a control. I see evidence of
8 actions taken against individuals for bad
9 or poor acts.

10 I see a lot of controls.
11 Not all --

12 Q. I --

13 A. Can I please finish? I
14 apologize.

15 Q. Sure.

16 A. Not every company documents
17 every control enhancement that they have.
18 That's just not the way this works.

19 Q. Well, but what I'm asking
20 you is, what's the basis for your opinion
21 in this matter that WAMY recognized --
22 that WAMY recognized the need for greater
23 controls in 1997 and began a process at
24 that time that continued, aside from this

1 document?

2 A. I'm sorry, you just cut out.
3 I didn't hear what you said.

4 Q. Aside from this document,
5 what evidence do you have of
6 implementation of new processes and
7 controls?

8 MR. GOETZ: Objection.
9 Form.

10 THE WITNESS: The project
11 reports are new processes that
12 they put in place and continue to
13 enhance.

14 BY MR. CARTER:

15 Q. Anything else? Anything
16 from the management of the organization
17 discussing new financial and auditing
18 controls?

19 A. I don't know what was
20 discussed with regards to new financial,
21 auditing or management controls.

22 Q. Again, with regard to this
23 initiative to implement an IT control
24 system and whether it actually happened,

1 did you review any information WAMY
2 provided to the court about what its
3 document collection process involved in
4 this case?

5 A. No.

6 Q. And to the extent that WAMY
7 indicated that its document collection
8 involved the collection of physical hard
9 copy documents from the offices and
10 warehouses and did not involve searches
11 of computer-based systems, would that
12 lead you to believe that this IT project
13 didn't happen?

14 MR. GOETZ: Objection.

15 Form.

16 THE WITNESS: I don't know
17 that I can make that particular
18 assumption.

19 BY MR. CARTER:

20 Q. So you don't know whether
21 this actually happened, do you?

22 A. I don't.

23 Q. And, yet, you cite it in
24 your report as evidence of WAMY

1 implementing greater control systems,
2 correct?

3 MR. GOETZ: Objection.

4 Form.

5 THE WITNESS: Can I answer?

6 MR. GOETZ: Go ahead, you
7 can answer if you can.

8 THE WITNESS: I think the
9 fact that they talk about
10 continuously enhancing their
11 overall control environment is a
12 control all in itself.

13 Having a control
14 consciousness and a proper tone
15 from the top, whereby you have an
16 organization that is constantly
17 looking to maintain control, I
18 think that is very important.

19 BY MR. CARTER:

20 Q. Okay. But what you cite in
21 support of that is a single document
22 referring to a possible IT initiative
23 from 1997.

24 A. Well, it's more than a

1 single --

2 MR. GOETZ: Objection.

3 Form.

4 Go ahead and answer.

5 THE WITNESS: It's more than
6 a single document. It's the
7 entire -- it's looking at the
8 entire organization and what they
9 were doing and how they were doing
10 it.

11 BY MR. CARTER:

12 Q. But, again, your report
13 cites this as the -- as the beginning of
14 a process of implementing a more robust
15 centralized organizational accounting
16 system.

17 MR. GOETZ: Objection.

18 Repetitive.

19 BY MR. CARTER:

20 Q. Do you believe it would be
21 appropriate to cite this as the beginning
22 of a process that involved implementation
23 of greater controls if it didn't even
24 happen?

1 MR. GOETZ: Objection.

2 Repetitive.

3 THE WITNESS: If it didn't
4 happen, if you have evidence to
5 show me that it didn't happen,
6 that's fine. I didn't see any
7 evidence to the contrary.

8 BY MR. CARTER:

9 Q. Well, did you see any
10 evidence that it did happen?

11 A. I cited that in my report.
12 I -- what you referred to, what this
13 document is on the screen here right now,
14 that's what I saw.

15 Q. On Page 9 of your report,
16 you referenced what you describe as some
17 statements from plaintiffs' expert
18 reports.

19 Do you see that in the first
20 paragraph?

21 A. Yes.

22 Specifically which are you
23 referring to?

24 Q. The first paragraph,

1 that supporting refugees and orphans does
2 not necessarily equate to terrorism.

3 But do you know whether
4 refugee and orphan support programs have
5 ever been used to disguise and conceal
6 funding for terrorism?

7 MR. GOETZ: Objection to
8 form.

9 THE WITNESS: Repeat the
10 question. I'm sorry.

11 BY MR. CARTER:

12 Q. Well, do you know whether
13 refugee and orphan support programs have
14 ever been used to disguise and conceal
15 funding for terrorism?

16 MR. GOETZ: Object to the
17 form. Scope.

18 THE WITNESS: That was not
19 my charge here.

20 BY MR. CARTER:

21 Q. So it's not something that's
22 within your area of expertise?

23 A. No. I think we established
24 that.

1 Q. Further down on Page 10,
2 there's another statement referring to
3 the 1997 issue that reads, By beginning
4 to institute more strict and centralized
5 controls in 1997, WAMY became a more
6 transparent and better recordkeeping
7 organization that is not in line with
8 organizations that supported al-Qaeda.

9 Do you see that?

10 A. I do.

11 Q. What organizations that
12 supported al-Qaeda have you studied that
13 provide the basis for that comparative
14 assessment?

15 A. It's my general overall
16 understanding that organizations that do
17 not have controls and are not
18 transparent, those were the general
19 attributes and characteristics of the --
20 of their mode to fund terrorist
21 organizations in general, not
22 specifically al-Qaeda, but in general.

23 Q. Well, what organizations can
24 you name that the United States

1 government has identified as having
2 supported al-Qaeda?

3 MR. GOETZ: Objection.
4 Scope.

5 THE WITNESS: Repeat the
6 question one more time.

7 BY MR. CARTER:

8 Q. What organizations can you
9 name that the United States government
10 has identified as having supported
11 al-Qaeda?

12 A. Not WAMY.

13 Q. Okay. Well, can you name
14 any?

15 A. I don't know of any other
16 specific organizations by name.

17 Q. And, again, here you
18 indicate that the initiative referenced
19 in the 1997 memo would not be in line
20 with organizations that supported
21 al-Qaeda.

22 And we agree that the 1997
23 document relates to IT processes and
24 greater uses of computers?

1 MR. GOETZ: Objection.

2 Form. Repetitive.

3 THE WITNESS: Sorry, Mr.

4 Carter, can you read the question
5 again?

6 BY MR. CARTER:

7 Q. The 1997 document related to
8 IT issues and greater use of computers,
9 correct?

10 A. Correct.

11 MR. GOETZ: Objection to
12 form.

13 BY MR. CARTER:

14 Q. Is the use of computers by a
15 humanitarian organization, in your view,
16 incompatible or inconsistent with support
17 of al-Qaeda?

18 MR. GOETZ: Objection to
19 form.

20 THE WITNESS: I don't know
21 if I can answer that question.

22 BY MR. CARTER:

23 Q. Do you know whether
24 investigators in fact found a trove of

1 documents about al-Qaeda's establishment
2 and development on computer files of a
3 charity?

4 MR. GOETZ: Objection.

5 Form.

6 THE WITNESS: I don't know.

7 BY MR. CARTER:

8 Q. Now, again, the next
9 sentence goes on to say that this process
10 that began in 1997 strived to achieve for
11 best practices.

12 A. Yes.

13 MR. GOETZ: Objection.

14 Misstates the report.

15 BY MR. CARTER:

16 Q. Sorry, let me reread the --
17 both sentences together, Mr. Marks.

18 By beginning to institute
19 more stringent and centralized controls
20 in 1997, WAMY became a more transparent
21 and better recordkeeping organization
22 that is not in line with organizations
23 that supported al-Qaeda. WAMY strived to
24 achieve for best practices when it

1 demanded that its local offices report
2 and be held accountable for spending,
3 which is not typical for an organization
4 hiding something.

5 Do you see that?

6 A. I do.

7 Q. And, again, aside from the
8 1997 IT memo, are there any other
9 documents that you recall seeing between
10 1997 and 2000 that reflected
11 implementation of new financial controls?

12 A. Yes. There's project-based
13 financing. There was a lot of different
14 things that we saw.

15 Q. Well, again, Mr. Marks, I'm
16 trying to meet the language of your
17 report directly here.

18 And you're describing a
19 process that occurred within WAMY. And
20 what I'm trying to understand is, did you
21 see documentation between 1997 and 2000
22 through which WAMY's senior management
23 implemented new financial controls across
24 the entire organization?

1 MR. GOETZ: Objection.

2 Form.

3 THE WITNESS: Should I
4 answer?

5 I saw a pattern of evidence,
6 I saw evidence, we reviewed
7 evidence, report through various
8 things, that are indicative of an
9 organization that strives to have
10 controls.

11 The structure and behavior
12 that WAMY put in place are
13 indicative of a control-based
14 group and not a group that ran
15 without control over its local
16 branches.

17 So, you know, it's not one
18 particular thing, Mr. Carter.
19 It's a variety of different things
20 that basically make up control.

21 BY MR. CARTER:

22 Q. Okay. But you say, WAMY
23 strived to achieve for best practices
24 when it demanded that its local offices

1 report and be accountable for spending,
2 in the sentence immediately after the
3 more strict and centralized controls in
4 1997.

5 What documents did you
6 review between 1997 and 2000 through
7 which WAMY issued directives to its
8 offices demanding that they report and be
9 held accountable for spending?

10 MR. GOETZ: Objection.

11 Form. Repetitive.

12 THE WITNESS: I don't think
13 there's a -- one document. But
14 the actions of the overall
15 organization, with regards to
16 their reporting in to WAMY Saudi
17 Arabia, are indicative of control,
18 are indicative of the fact that
19 that was something that was
20 demanded.

21 The actions that WAMY took
22 when that didn't happen were
23 severe. If you did not provide
24 project-based -- if you did not

1 provide support for monies that
2 you needed in order to promote the
3 mission of WAMY, you did not get
4 funding. Full period, the end.

5 BY MR. CARTER:

6 Q. Mr. Marks, we're discussing
7 two different things. And we'll get to
8 it later.

9 But I'm asking you
10 specifically about what steps were
11 undertaken between 1997 and 2000 by
12 WAMY's management to implement new
13 financial controls across the
14 organization?

15 I'm not asking you about
16 what you divined from the controls that
17 were in place. I'm just asking you what
18 documents you saw that referred to the
19 implementation of new controls, if any?

20 MR. GOETZ: Objection.

21 Form. Repetitive.

22 THE WITNESS: There's not
23 one document that I saw that
24 clearly lays this out.

1 Form.

2 THE WITNESS: I can't just
3 comment without having all the
4 facts, Mr. Carter, sorry.

5 BY MR. CARTER:

6 Q. Beginning on Page 14 of your
7 report, and we've touched on this
8 earlier, you discuss in this section
9 several documents you described as
10 audits, correct?

11 A. Right. Yes.

12 Q. And am I correct that the
13 documents you describe as audits in this
14 section and that you reference are among
15 the 57 you indicate earlier in your
16 report that you reviewed?

17 A. Yes.

18 Q. And do you have an actual
19 list of the 57 documents that you
20 identify as audits?

21 A. I believe they were included
22 in Exhibit B.

23 Q. Well, there's many hundreds
24 if not thousands of documents in Exhibit

1 A. I don't have a file, but I
2 know that they're in Exhibit B.

3 Q. So I think we'd just ask
4 that -- that you provide some
5 identification of the -- as we understand
6 it now, 54 audit reports that are being
7 referenced on Page 7 of the report.

8 MR. GOETZ: And, again,
9 Sean, my continuing objection to
10 the form. There's audit reports
11 and then financial statements,
12 that's how it was reported.

13 MR. CARTER: Okay. If you
14 could just identify those when we
15 take a break.

16 BY MR. CARTER:

17 Q. I'm going to get into some
18 specifics with regard to those documents
19 in a second, but I would first like to
20 discuss just some general considerations.

21 For purposes of undertaking
22 a review of the financial and accounting
23 controls of the organization as a whole,
24 is it customary to try to first get an

1 understanding of the organization, its
2 operations and footprint?

3 MR. GOETZ: Objection.

4 Form.

5 THE WITNESS: That's part of
6 it, yes.

7 BY MR. CARTER:

8 Q. For purposes of offering
9 your opinions in this case, did you
10 determine how many physical offices WAMY
11 had, both in the Kingdom and abroad,
12 during the period from 1992 to 2002?

13 A. No.

14 Q. Sitting here today, do you
15 know how many offices WAMY was operating
16 during that time?

17 A. The exact number, no.

18 Q. Can you provide an
19 approximation?

20 A. Between 30 and 40.

21 Q. Did you or your team
22 undertake any effort to catalogue the
23 offices in years for which you did
24 receive audits or audited financial

1 statements?

2 MR. GOETZ: Object to the
3 form.

4 THE WITNESS: I'm sorry, can
5 you repeat the question?

6 BY MR. CARTER:

7 Q. Sure.

8 Did you or your team go
9 through a process of cataloguing the
10 offices and years for which you did
11 identify audits or audited financial
12 statements for the time period in
13 question?

14 A. I don't know if we
15 catalogued them. We know which ones we
16 looked at, yes.

17 Q. Well, do you know which ones
18 you did not receive?

19 MR. GOETZ: Objection.
20 Form.

21 THE WITNESS: I don't know
22 which ones we did not receive.

23 BY MR. CARTER:

24 Q. Do you know whether there

1 were offices that were operational during
2 this period for which you received no
3 audits or audited financial statements?

4 A. I don't know. I mean, you
5 asked me how many offices there are. I
6 told you between 30 and 40. I don't know
7 which ones were operational during what
8 period of time.

9 There was nothing that I saw
10 or any evidence indicating, you know,
11 offices that went online or branches that
12 went online or offline. I have no idea.

13 Q. Well, one of the clients you
14 were retained to work for in this case
15 was WAMY USA, correct?

16 A. Right.

17 Q. Do you know whether WAMY USA
18 was an operational office during this
19 time period?

20 A. I don't.

21 Q. Do you -- do you recall
22 whether you received any audits or
23 audited financial statements for WAMY
24 USA?

1 A. There are reports that were
2 submitted. I don't recall whether there
3 were actual audits or not.

4 Q. Do you recall whether you
5 received any audits or audited financial
6 statements pertaining to WAMY's office in
7 Sudan?

8 A. Pardon me? You cut out for
9 one second. Can you just repeat that?

10 Q. Do you recall seeing any
11 audits or audited financial statements
12 for WAMY's office in Sudan?

13 A. I'm not sure. I'd have to
14 go back and double check.

15 Q. Do you recall whether you
16 received any audit reports or audited
17 financial statements pertaining to WAMY's
18 office in Russia?

19 A. Same, I'd have to go back
20 and double check.

21 Q. Do you recall whether you
22 received any audits or audited financial
23 statements for WAMY's office in the
24 Philippines?

1 A. Not certain.

2 Q. Do you recall whether you
3 received any audits or audited financial
4 statements for WAMY's office in Austria?

5 A. Austria not Australia,
6 right?

7 Q. Austria.

8 A. I don't remember seeing any.

9 Q. What about Kenya?

10 A. I don't remember seeing any
11 from Kenya either.

12 Q. What about Kosovo?

13 A. I'm not sure.

14 MR. MOHAMMEDI: Objection.

15 THE WITNESS: Sorry.

16 MR. GOETZ: Object to the
17 form of these questions. It's
18 assuming that there are offices in
19 all of these entities. So with
20 that objection noted.

21 MR. CARTER: Relative to
22 that objection, I verified that
23 you described these as all -- as
24 existing offices in one of your

1 filings to the court.

2 MR. GOETZ: Okay. I'm just
3 preserving the objection for the
4 record in case that's not
5 accurate.

6 BY MR. CARTER:

7 Q. I'm sorry, what about WAMY's
8 office in Nigeria?

9 A. I don't recall seeing
10 anything from Nigeria.

11 Q. What about WAMY's office in
12 Yemen?

13 A. I don't recall seeing
14 anything in Yemen.

15 Q. What about WAMY's office in
16 Kyrgyzstan?

17 A. I don't know. I'd have to
18 check. I'm not sure.

19 Q. Is it fair to say that you
20 don't recall seeing any audits for a
21 number of WAMY offices I just listed?

22 A. I don't know that I can
23 answer that question.

24 MR. GOETZ: Objection to

1 form.

2 BY MR. CARTER:

3 Q. With regard to this issue,
4 on Page 29 of your report, there's a
5 statement that WAMY's assistant secretary
6 general stated that due to a 2008 flood
7 in Jeddah, Saudi Arabia, many financial
8 records stored in the basement were
9 apparently lost.

10 Do you see that?

11 A. I do. It's at the bottom of
12 Page 29.

13 Q. Are you suggesting in that
14 statement that audits and audited
15 financial statements were among the
16 documents destroyed in that flood?

17 A. I don't know what was
18 destroyed in that flood.

19 Q. But you do indicate that
20 it's your understanding that financial
21 records were destroyed, correct?

22 A. Yes.

23 Q. And in support of that
24 statement, you cite to the 2019

1 a little while to load up.

2 MR. CARTER: That's fine.

3 THE WITNESS: And you're at
4 the very bottom?

5 MR. CARTER: Yes.

6 BY MR. CARTER:

7 Q. You can just go to the
8 bottom and confirm to me that this is the
9 declaration you're citing in this section
10 of your report.

11 A. Yes.

12 Q. And turning back, we were
13 just on, I think, Page 7 of the
14 declaration.

15 And this is the section that
16 refers to the flood that you reference?

17 A. Yes.

18 Q. Now, you indicate in your
19 report that Dr. Noorwali's declaration
20 indicates that many financial records
21 were destroyed in the flood.

22 But Dr. Noorwali's
23 declaration doesn't actually say that,
24 does it?

1 MR. GOETZ: Objection.

2 Misstates the report. Form.

3 THE WITNESS: It does not

4 use the word "financial."

5 BY MR. CARTER:

6 Q. So that's your addition?

7 A. That's my addition.

8 Q. And, in fact, Dr. Noorwali
9 says he doesn't have any idea what types
10 of records were lost, correct?

11 A. Correct.

12 MR. GOETZ: Objection.

13 Misstates the affidavit, the
14 declaration.

15 BY MR. CARTER:

16 Q. Okay. Well, let's quote it.

17 Dr. Noorwali says, I do not
18 know exactly which records were lost,
19 correct?

20 MR. GOETZ: You have to look
21 at that in the context. Form.
22 Objection.

23 THE WITNESS: Can you go up
24 to the paragraph above, Paragraph

1 24?

2 BY MR. CARTER:

3 Q. Sure.

4 A. I just don't -- that's fine.

5 I wanted to make sure I had the same

6 thing. Thank you.

7 You're focusing back on the

8 highlighted area, Sean?

9 Q. I am.

10 A. Okay. And the question was?

11 Q. The question is, Dr.

12 Noorwali's declaration doesn't indicate

13 what type of records were destroyed,

14 correct?

15 A. Not specifically. But in

16 the context of the operations of WAMY.

17 Q. So based on the context of

18 the operations of WAMY, you are able to

19 divine that the destroyed records

20 included financial records?

21 MR. GOETZ: Objection.

22 Form.

23 BY MR. CARTER:

24 Q. Are you aware that WAMY

1 distributed religious materials?

2 A. Yes.

3 Q. How do you know that the
4 basement didn't house the religious
5 materials as opposed to financial
6 records?

7 A. I don't.

8 Q. So you don't have a basis to
9 say that the flood destroyed financial
10 records, do you?

11 A. If they stored their records
12 in the basement, based on my
13 understanding and knowledge of the way
14 WAMY operated, I'm assuming that there
15 were financial records in there, and they
16 were lost, along with other records.

17 Q. But WAMY had multiple
18 offices in the Kingdom.

19 And am I correct that the
20 paragraph immediately preceding this one
21 talks about audits being sent to Riyadh,
22 not Jeddah?

23 MR. GOETZ: Objection to
24 form. Misstates the document.

1 THE WITNESS: Just because a
2 report is sent doesn't mean the
3 supporting documentation wasn't
4 destroyed.

5 BY MR. CARTER:

6 Q. Correct.

7 And just because there was a
8 flood in Jeddah doesn't mean that that's
9 where the financial records were stored,
10 correct?

11 A. Yeah.

12 MR. GOETZ: Object to form.

13 THE WITNESS: I guess it
14 goes both ways, then, doesn't it?

15 BY MR. CARTER:

16 Q. Well, Mr. Marks, in this
17 case, I'm just trying to ascertain
18 whether you have a credible basis for the
19 affirmative assertion in your report that
20 many financial records stored in the
21 basement at the Jeddah warehouse were
22 lost.

23 I think you just
24 acknowledged to me that you don't.

1 secretary general declared that WAMY
2 would be centralizing its IT systems.

3 MR. CARTER: And if we can
4 put that exhibit back up. It was
5 at 964.

6 THE WITNESS: Yep.

7 BY MR. CARTER:

8 Q. Where within this document
9 does it indicate that the WAMY secretary
10 general declared that WAMY would be
11 centralizing its IT systems?

12 A. Well, part of it is -- give
13 me one second to review, please.

14 Q. Sure.

15 MR. GOETZ: Sean, I know
16 there's a question pending, but
17 can we take a break after this
18 question?

19 MR. CARTER: Sure.

20 MR. GOETZ: Just a
21 five-minute break.

22 THE WITNESS: I don't
23 know -- I don't know that there's
24 direct language in here that says

1 that, but it certainly implies it.

2 BY MR. CARTER:

3 Q. How does it imply that there
4 was a directive issued by the secretary
5 general of WAMY?

6 A. Well, it talks about
7 unifying the systems and linking them all
8 together, establishing a set of archive
9 and electronic documents at the center
10 level of the general secretary and at
11 each branch.

12 Mr. Carter, that's my
13 opinion based on my read of the document,
14 the context --

15 Q. But it doesn't refer to the
16 general secretary issuing any directive,
17 correct?

18 A. We had conversations about
19 this with my team. I don't recall
20 exactly what we were talking about.

21 But I think customarily when
22 this is done in this way, it's considered
23 to be a directive.

24 Q. But we discussed this

1 trying to find it on the document, it
2 does say office of the assistant
3 secretary general.

4 And my conversations from --
5 you know, with my team in that region
6 told me that because it came from the
7 office of the assistant secretary
8 general, that this does act like a
9 directive. So I just wanted to clarify
10 my response.

11 Q. So it's your understanding,
12 from discussions with your team in Saudi
13 Arabia, that the assistant secretary
14 general for planning at the World
15 Assembly of Muslim Youth had the
16 authority to issue directives on behalf
17 of the secretary general?

18 A. Yes.

19 Q. Okay. And in terms of
20 whether or not this is a directive, he
21 actually asked that the recipient of the
22 document provide suggestions on the
23 project and notes that it will be
24 discussed in the coordination meeting.

1 Do you see that?

2 A. I do.

3 Q. And so it wasn't in the form
4 of a directive, was it?

5 MR. GOETZ: Objection.
6 Form.

7 THE WITNESS: Well, my
8 understanding is, with regards to
9 this particular document, when a
10 directive is issued like this,
11 when it comes to internal control,
12 there's always an opportunity to
13 reply back.

14 BY MR. CARTER:

15 Q. Mr. Marks, the sentence I
16 just read you of your report, Over the
17 course of centralizing recordkeeping,
18 WAMY gradually became aware of issues in
19 their internal controls and made a
20 conscientious effort to improve any
21 control issues, do you see that?

22 A. I do.

23 Q. There is no citation for
24 that statement.

1 What is the basis for that
2 statement?

3 A. My basis for that statement
4 was reviewing the audit reports and audit
5 opinions and looking at those -- and the
6 financial information and other
7 information that highlighted certain
8 areas. And we -- it looked like they
9 took corrective action.

10 So in my opinion, over the
11 course of this -- you know, over the
12 period, WAMY -- you know, WAMY, with
13 project-based accounting, issuing
14 policies and procedures, you know,
15 guidelines for recognizing revenue and
16 the like, that's an awareness. That's
17 very common.

18 Q. You say that this occurred
19 over the course of centralizing
20 recordkeeping.

21 A. Okay.

22 Q. What is the basis for
23 attributing this realization to the
24 centralization of recordkeeping?

1 A. You have better insight into
2 the documentation.

3 Q. But what I'm asking you is,
4 you're representing here that there was a
5 process of centralizing the
6 recordkeeping.

7 Do you have any evidence
8 that there was actually a process in fact
9 undertaken during this time period to
10 centralize recordkeeping?

11 A. My understanding was that
12 the implementation of the IT system, that
13 project in itself, was the impetus behind
14 this, yes.

15 Q. And, again, what is the
16 basis in fact for your understanding that
17 there was an implementation of a
18 centralization of recordkeeping that did
19 in fact occur?

20 A. There were -- if you flip to
21 the next page, Mr. Carter --

22 Q. Yes.

23 A. -- internal correspondence
24 from WAMY's head office reprimanded

1 managers for any employees not following
2 employment procedures; minutes for
3 meetings held with accountants from the
4 Saudi regional offices provide evidence
5 of changing accounting protocols in
6 Eastern Provinces to rectify issues that
7 were identified.

8 Q. Mr. Marks, none of that
9 answers my question. Those are steps you
10 say were taken as a result of WAMY
11 becoming aware of these issues.

12 My question remains, what
13 evidence do you have that a
14 centralization of recordkeeping was in
15 fact implemented during this time period?

16 A. Well --

17 MR. GOETZ: Objection to
18 form.

19 THE WITNESS: Can I answer?

20 MR. GOETZ: Go ahead.

21 THE WITNESS: It's my
22 opinion that -- it's my opinion,
23 based on my experience with all of
24 this, that if they were not aware

1 of it, then why would they put in
2 a new financial policy? Why would
3 they follow up the application of
4 the accounting system in all
5 offices with supervision and
6 review of financial restrictions?
7 Why would they compare final
8 annual accounts in the symposium
9 in the Eastern Region? And why
10 would they ask for support for the
11 planning of budgets and new
12 offices?

13 BY MR. CARTER:

14 Q. Again, Mr. Marks, I'm asking
15 you, what is the basis for your
16 attributing WAMY's awareness of the need
17 to do those things to a centralization of
18 recordkeeping?

19 MR. GOETZ: Objection.

20 Form. Repetitive.

21 THE WITNESS: The basis for
22 this is my opinion, based on the
23 evidence that I reviewed in this
24 engagement.

1 BY MR. CARTER:

2 Q. Were you aware that WAMY has
3 submitted numerous declarations to the
4 court in these proceedings describing the
5 processes through which it searched for
6 and collected relevant documents?

7 A. No.

8 Q. Were you aware that those
9 affidavits and declarations refer
10 exclusively to people being dedicated to
11 finding hard documents in warehouses and
12 file rooms and that there is no
13 indication in those declarations of
14 electronic searches?

15 A. Okay. I'm not aware of
16 that.

17 Q. If there were a
18 centralization of recordkeeping at the
19 time as a part of an IT process, again,
20 wouldn't WAMY's search for relevant
21 documents from the time period have
22 involved electronic searches of that
23 centralized system?

24 A. That's a big -- go ahead.

1 MR. GOETZ: Objection to
2 form.

3 THE WITNESS: That's a big
4 leap of faith. I can tell you
5 many examples where IT systems
6 don't work or are not effective
7 that way.

8 So I don't know that you can
9 equate one with the other.

10 BY MR. CARTER:

11 Q. So it's your belief --

12 A. Can I just finish my thought
13 here? I'm sorry.

14 Just because somebody
15 implements an IT system doesn't mean that
16 it's completely and totally functional.
17 There's not one IT system -- and I've
18 done system implementation work before --
19 that when you turn it on and you get
20 going doesn't require modification. And
21 not every IT system has all those skills
22 and capabilities.

23 So I don't think you can
24 make that leap of faith.

1 Q. Further down you say, A new
2 accounting and financial policy was
3 introduced and implemented with immediate
4 effect on January 1st, 2000.

5 Do you see that?

6 A. I do. Footnote 46, yes.

7 Q. And then you describe the
8 principal points of the new policy,
9 correct?

10 A. I do.

11 Q. And am I correct that you
12 are of the opinion that the introduction
13 of that new policy was prompted by WAMY's
14 own internal recognition of control
15 issues from 1997 forward?

16 A. I -- no. I take exception
17 to that. I think it's the overall
18 control consciousness of WAMY. I --

19 Q. When you say --

20 A. -- think they always wanted
21 to -- any organization out there always
22 wants to improve their internal controls.

23 I don't -- you know, one
24 precipitating event, yes, might tip the

1 scales. But, you know, the fact that
2 they had control, the fact that they did
3 project-based financing, the fact that
4 they were transparent, the fact that they
5 communicated, the fact that they were
6 very serious about control, the fact that
7 they acted accordingly when things were
8 going wrong, those are all control
9 things.

10 Q. And, again, I'm just reading
11 your report.

12 You're referring to this
13 time period, and you say, WAMY gradually
14 became aware of issues in their internal
15 controls and the following actions were
16 taken.

17 A. Yes.

18 Q. So I'm correct, you're
19 attributing the action that was taken on
20 January 1st, 2000, to this awareness?

21 A. I think it's part of it.

22 Q. Did you consider whether any
23 external forces may have played a role in
24 this January 2000 initiative by WAMY?

1 A. Did I consider it?

2 Q. Yes.

3 A. I always consider what
4 happens from an outside third party and
5 whether they precipitate controls. I
6 mean, you know, the Saudi government
7 could have had conversations with them --
8 and I'm just giving possibilities here,
9 I'm not making statements.

10 The Saudi government, they
11 could have had a review by an outside
12 third party related to something
13 completely different or an internal
14 control review.

15 I didn't see that, but that
16 is a possibility.

17 Q. You are aware that the
18 January 2000 new protocol would have
19 issued less than a year and-a-half after
20 the bombings of the embassies in Kenya
21 and Tanzania?

22 A. I didn't know about the
23 dates of the bombings of the embassies,
24 sorry.

1 Q. Were you aware that there
2 was an increased focus on the role of
3 charities in potentially supporting
4 al-Qaeda after those events?

5 MR. GOETZ: Objection to
6 form. Foundation.

7 THE WITNESS: Can I answer?
8 No.

9 BY MR. CARTER:

10 Q. Were you aware that the U.S.
11 government was particularly concerned
12 during this period about Saudi charities?

13 MR. GOETZ: Object to the
14 form.

15 THE WITNESS: Can you tell
16 me what a Saudi charity is,
17 please?

18 BY MR. CARTER:

19 Q. Charity or Da'wah
20 organizations headquartered in the
21 Kingdom of Saudi Arabia.

22 A. Oh, did you say Saudi or
23 Sadhi?

24 Q. Saudi.

1 A. Oh, Saudi. I'm sorry.

2 No is the answer.

3 Q. Were you aware that
4 representatives of the U.S. government
5 met with Saudi officials during this
6 period to press for greater oversight and
7 controls of Saudi-based charities?

8 A. I was not aware of that, no.

9 Q. Is it possible that the
10 initiatives WAMY was taking during this
11 period were prompted, at least in part,
12 by this increased focus on Saudi
13 charities?

14 MR. GOETZ: Objection.

15 Form. Foundation.

16 THE WITNESS: Can I answer?

17 MR. GOETZ: Yes.

18 THE WITNESS: I think I
19 answered that question. It's
20 possible.

21 But it's also commendable
22 that they actually did it, because
23 most charitable organizations in
24 my opinion, in my experience,

1 Q. Accounts with many large
2 round numbers or transactions that are
3 unusually large or small, is that, in and
4 of itself, indicative of fraud?

5 A. No.

6 Q. And as you said, I think
7 earlier at the beginning of your
8 testimony, you're not saying that there
9 were no red flags in your review of any
10 of the WAMY material, are you?

11 A. No.

12 Q. But did any of those rise to
13 the level where, in your opinion, there's
14 any evidence of fraud or financial
15 improprieties, money laundering, anything
16 like that?

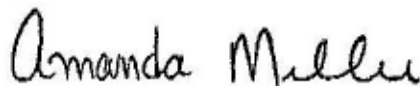
17 A. No. Based on my review of
18 the financial information, which, if you
19 allow me one second here, which I
20 considered and our team considered the
21 audit reports, the bank statements, the
22 bank reports, the receipts, financial
23 reports, project reports, of which there
24 were over 800 of, operational reports,

CERTIFICATE

I, Amanda Maslynsky-Miller, Certified
Realtime Reporter, do hereby certify that
prior to the commencement of the examination,
JONATHAN MARKS, was remotely sworn by me to
testify to the truth, the whole truth and
nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a
verbatim transcript of the testimony as taken
stenographically by me at the time, place and
on the date hereinbefore set forth, to the
best of my ability.

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor
counsel of any of the parties to this action,
and that I am neither a relative nor employee
of such attorney or counsel, and that I am
not financially interested in the action.



Amanda Miller
Certified Realtime Reporter
Dated: August 2, 2021

(The foregoing certification of this
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